

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DEDAN WILSON,

Plaintiff,

- against -

THE CITY OF YONKERS, et al.,

Defendants.

08 Civ. 7646 (LMS)

JUDGMENT

Whereas the above entitled action having been assigned to the Honorable Lisa Margaret Smith, United States Magistrate Judge, by consent of the parties for a jury trial; whereas prior to trial, Defendants "John" Kivel (a/k/a Michael Kivel), Peter Mullen, and Jeremiah Foley were voluntarily dismissed from the action; and whereas Defendants John and Jane Doe #1-10 were voluntarily dismissed from the action; thereafter such trial began on November 15, 2010, on the first day of which Defendant Thomas Phelan was voluntarily dismissed from the action, and such trial continued through November 19, 2010, whereupon the jury reached a verdict on November 19, 2010, for Plaintiff Dedan Wilson in the total sum of \$2,356,500.00, to be allocated as follows:

THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) for compensatory damages as against all Defendants jointly and severally and TWO MILLION DOLLARS (\$2,000,000.00) for future damages for 25 years as against all Defendants jointly and severally based upon the following:

(1) A finding that Defendants Denis Didonato and Felix Rios are liable on Plaintiff Dedan Wilson's claims of excessive use of force under 42 U.S.C. § 1983 and New York state law;

(2) A finding that Defendants Paul Samoyedny, Robert Wilgermein, Denis Didonato, Felix Rios, Frank Fernandez, and Daniel Berardinelli are each liable for failing to intervene to prevent the excessive use of force by Defendants Didonato and Rios; and

(3) A finding that the City of Yonkers is liable on Plaintiff Dedan Wilson's New York state law claim of excessive use of force by Defendants Denis Didonato and Felix Rios.

FIVE HUNDRED DOLLARS (\$500.00) for punitive damages against Defendant Paul Samoyedny.

FIVE HUNDRED DOLLARS (\$500.00) for punitive damages against Defendant Robert Wilgermein.

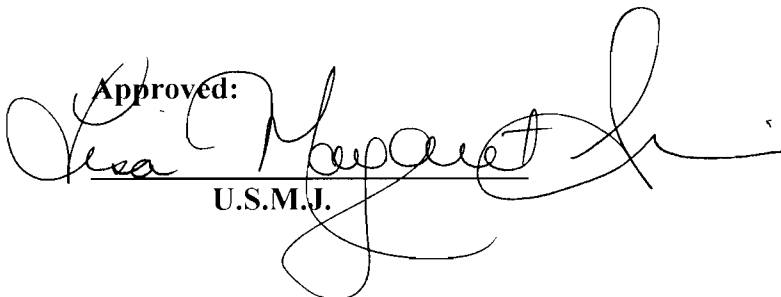
TWO THOUSAND DOLLARS (\$2,000.00) for punitive damages against Defendant Denis Didonato.

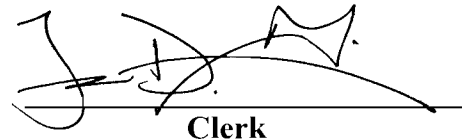
ONE THOUSAND DOLLARS (\$1,000.00) for punitive damages against Defendant Felix Rios.

TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for punitive damages against Defendant Daniel Berardinelli.

It is hereby ORDERED, ADJUDGED, AND DECREED: that Plaintiff Dedan Wilson have judgment as against all Defendants jointly and severally in the amount of \$2,350,000.00; as against Defendant Paul Samoyedny in the amount of \$500.00; as against Defendant Robert Wilgermein in the amount of \$500.00; as against Defendant Denis Didonato in the amount of \$2,000.00; as against Defendant Felix Rios in the amount of \$1,000.00; and as against Defendant Daniel Berardinelli in the amount of \$2,500.00.

**Dated: November 22, 2010
White Plains, New York**

Approved: 
U.S.M.J.


Clerk